

## **REMARKS**

A non-final Office Action was mailed on April 24, 2007. Claims 1-10 are pending.

Applicant respectfully continues to believe that the Declaration filed on January 29, 2007, coupled with other evidence submitted on January 29, 2007, is effective to overcome the Bates reference. However, to advance prosecution, Applicant responds to the outstanding rejections as follows.

### Background

By way of background, and before addressing the prior art rejections, Applicant wishes to place the current case in perspective for the benefit of the Examiner and to better explain and illustrate some of the features of the present case. It should be understood that recommendation systems based on user preferences and historical data is understandably a topic of much inventive energy. That said, there is an old saying that computers are only as smart as the humans that program them. Similarly, recommendation systems are only as smart as that data that populate its recommendation algorithms. In the present case, recommendation lists are generated based on user preferences and look-up lists, both of which include historical perspectives. The default position is to recommend a program based on user preferences unless such program is located on a list of programs that should not be recommended. However, the recommendation system of the present application does not know every program ever viewed by the user. The recommendation system only knows those programs that have been viewed while such system has been monitoring the user's selections.

Accordingly, and very simply, the recommendation system of the present application provides a user with the ability to actively remove previously viewed programs from a displayed recommendation list and at the same time update the list of previously viewed programs considered by the recommendation system. Thus, for example, if a user viewed a program a year before implementing the recommendation system, which previous viewing is unknown to the recommendation system, the user has the ability to make the recommendation system a little smarter by informing the recommendation system of such previous viewing so that such program will not be presented for recommendation in the future. The ability of a user to select a

previously viewed program from a list of recommended programs, remove such program from the list, and update corresponding look-up lists in the recommendation system, as set forth herein, is neither shown nor suggested in the totality of prior art of record.

This background discussion is only presented to summarize different aspects of Applicant's disclosure, and should not be considered as limiting the claims in any way.

### Claim Rejections

Claims 1, 5, 7, and 8 are rejected under 35 U.S.C. §102(e) as being anticipated by Bates et al. (U.S. Patent Publication 2002/0145321 A1). Claims 2,-4 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates et al. '321 in view of Percy et al. (U.S. Pat. 4,646,145). Claims 9 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates et al. '321 in view of Reynolds et al. (EP 0774866 A2).

Claims 1 and 5 are further rejected under 35 U.S.C. §103(a) as being unpatentable over Finseth et al. (U.S. Patent Publication 2005/0028207) in view of Shintani et al (U.S. Patent Publication 2004/0019906). Claims 7-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Finseth et al (U.S. Patent Publication 2005/10028207) in view of Shintani et al and Dudkiewicz (U.S. Patent Publication 2002/0152474). Claims 2, 3 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Finseth et al. and Shintani et al. as applied to Claim 1 above, and further in view of Percy et al. Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Finseth et al. and Shintani et al. as applied to Claims 1 and 3 above, and further in view of Yamamoto (U.S. Patent Publication 2007/0006266) and Percy et al.

Applicant respectfully traverses all of the rejections in view of the amendments and arguments presented herewith, and again reiterates that the prior art of record fails to teach or reasonably suggest the claimed invention. Claim 1, for example, requires:

“a user-operable input signal device coupled to said microprocessor, enabling a user to selectively identify selected ones of said recommended program items as having been previously viewed, such that said microprocessor then removes said selected ones of said recommended program items from said listed recommended program items for current viewing and adds said

selected ones of said program items to said look-up lists in said memory device.” The Examiner is respectfully directed to at least the paragraph bridging pages 9-10 of the specification for support.

The Examiner rejected claim 1 as being anticipated by Bates et al. and points to paragraphs 30, 41, 36, 37 and FIG. 4 of Bates for support. Applicant respectfully submits that Bates et al. fail to teach or reasonably suggest “a user-operable input signal device coupled to said microprocessor, enabling a user to selectively identify selected ones of said recommended program items as having been previously viewed, such that said microprocessor then removes said selected ones of said recommended program items from said listed recommended program items for current viewing and adds said selected ones of said program items to said look-up lists in said memory device” as claimed. Bates et al. is directed to an electronic program guide (EPG) that, at most, **automatically marks** shows that have already been watched, as set forth in paragraphs [0028], [0030] and [0043] of Bates et al. However, the Bates et al. teaching of an EPG-based control system that automatically marks or selects certain programs does not translate into a user-operable input signal device that enables a user to **selectively identify** selected ones of said recommended program items as having been previously viewed, and then **removes** said selected ones of said recommended program items from said listed recommended program items for current viewing. Thus, as Bates et al. lacks at least the claim elements set forth above, Bates et al. cannot be said to teach all elements of the claimed invention under §102(e) as required by the MPEP.

Applicant further respectfully submits that claims 2-10 are also patentable over Bates et al. as such claims also require a user-operable device coupled to a microprocessor, enabling a user to selectively identify recommended program items as having been previously viewed, and then removing said selected ones of said recommended program items from a listed recommended program items for current viewing. Accordingly, it is respectfully requested that the Examiner withdraw all rejections based on Bates et al.

Claim 1, for example, is further rejected under 35 U.S.C. §103(a) as being unpatentable over Finseth et al. (U.S. Patent Publication 2005/0028207) in view of Shintani et al (U.S. Patent

Publication 2004/0019906). Shintani et al. is asserted as showing a user-operable device that enables a user to selectively identify programs as having been previously viewed by entry into a history log. The Examiner also asserts that one skilled in the art would consider it obvious to include the teaching of Shintani et al. “so that more accurate user’s viewing history record can be maintained.” However, Applicant respectfully submits that one skilled in the art would not consider it obvious, in view of the combination of Fineseth et al. and Shintani et al., to use a user-operable input signal device to enable a user to selectively identify recommended program items as having been previously viewed, such that said selectively identified program items are then **removed** from a listing of recommended items and updating the listing of recommended items with only those items that have not been previously viewed by the user. In fact, the result of a user-operated selection in Shintani et al. is the modification and updating of a history log, **not the removal** of a show from a list of recommended shows, as specifically set forth in paragraphs [0037] through [0042] of Shintani et al. The history log provides a user with content-specific information about previously viewed shows. Entry of a previously-viewed show into the history log **does not** provide a means for removing such show from a listing of recommended shows, as set forth in the present claims. Thus, one skilled in the art would not consider it obvious to combine Fineseth et al. and Shintani et al. to arrive at the present claims.

Applicant further respectfully submits that claims 2-10 are also patentable over the combination of Fineseth et al. and Shintani et al. for reasons similar to those asserted above, as such claims also require a user-operable device that enables a user to **selectively identify previously viewed items** from a list of recommended items and thereby **remove** such selected items from the recommendation listing. None of the other secondary and tertiary, etc., references teach or reasonably suggest such a recommendation system or user-operable device, **or a similar need** for operatively selecting previously viewed items for purposes of updating recommendation lists. Accordingly, it is respectfully requested that the Examiner withdraw all rejections based on the combination of Fineseth et al. and Shintani et al.

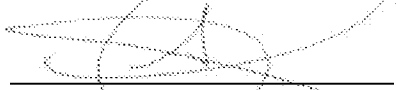
An earnest effort has been made to be fully responsive to the Examiner’s objections. In view of the above amendments and remarks, it is believed that claims 1-10 are in condition for

allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not already paid through an EFS-Web filing, may be charged to Deposit Account No. 50-3894. Any overpayment may be credited to Deposit Account No. 50-3894.

Respectfully submitted,

PHILIPS INTELLECTUAL PROPERTY & STANDARDS



By: Harris A. Wolin, Reg. No. 39,432  
Attorney for the Applicant

**Please Address All Correspondence to:**

Yan Glickberg, Registration No. 51,742

Phone: (914) 333-9618

CUSTOMER NUMBER 24737